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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,862	03/24/2004	Alexander Wolf	P-27,658	6651

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EXAMINER
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AHMAD, NASSER

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/808,862	<b>Applicant(s)</b> WOLF, ALEXANDER	
	<b>Examiner</b> Nasser Ahmad	<b>Art Unit</b> 1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2006.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 21-43 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 21-23, 25-27, 31, 32, 34, 37, 38, 40 and 43 is/are rejected.  
7) ☒ Claim(s) 24, 28-30, 33, 35, 36, 39, 41 and 42 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/16/06</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 21-43 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The amended phrase "pull" thread in the claims and the specification, is found to be new matter for lack of support in the specification, as originally filed.

Further, the support document "German English Technical...Dictionary" for said claimed amendment, as referred to by the applicant, could not be located with the amendment of 1/3/2006 or the IDS of 2/16/2006.

### ***Rejections Maintained***

3. Claims 21, 23, 25 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Shaughency (6235365) for reasons of record in the last Office action of October 4, 2005.
4. Claims 22, 26-27, 31, 34, 37-38 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaughency for reasons of record in the last Office Action.

***Response to Arguments***

5. Applicant's arguments filed January 3, 2006 have been fully considered but they are not persuasive.

Applicant argues that Shaughency teaches a tear strip but fails to teach a pull thread as is being claimed and that the claims and the specification have been corrected to replace "rear thread" with - -pull thread- - , as per applicant's statement that the support for said translation is based on the citation of the "German English ...Dictionary".

However, this is not deemed to be convincing because, in the absence of said cited document as evidence, to show support for the amendments to the claims and the specification, said amendment is found to be new matter.

Regarding applicant's argument about claim 21, the thread of Shaughency does pass through the cover sheet by traversing across the sheet surface. The thread is anchored to the sheet with the adhesive. As for the phrase "may be removed", applicant is reminded that said intended use phrase is not found to be of positive imitation and cannot be given any patentable weight.

Furthermore, the arguments presented by the applicant is directed to the amended claims containing the phrase "pull thread". As such the arguments are not found to be convincing because said phrase is considered to be new matter as discussed above.

Thus, in the absence of any evidence to the contrary, it remains the examiner's position that the claimed invention is anticipated or rendered obvious over the prior art of record discussed above.

6. The following new grounds of rejections are made in view of the amendment made to the claims filed on January 3, 2006.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 21-22, 25-26, 31, 37 and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by Reisner (2770816).

Reisner relates to a sealing strip (figures-5 and 6) comprising a flexible layer (7) having an adhesive layer (8) positioned on a first surface thereof and covered by a covering layer (8c). as shown in figure-6, the covering layer has a pull thread (8d) extending thereacross and anchored at both ends (8e) with stiches that passes through the cover. Both the ends of the thread protrude outwardly from the cover as it lies over and between the ends of the cover. The flexible layer has a linear shape or a closed curve shape (figure-5).

The intended use phrase such as “for sealing”, “adherable”, “engageable”, adapted to”, etc. have not been given any patentable weight because said phrases are not deemed to be of positive limitations.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 23, 27, 32, 34, 38 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reisner in view of Shaughency.

Reisner, as discussed above fails to teach that the thread is of synthetic material.

Shaughency discloses a tear thread that can be of synthetic material (col. 3, lines 40-50). Therefore, it would have been obvious to one having ordinary skill in the art to utilize Shaughency's teaching of using synthetic material for the thread in the invention of Reisner with the motivation to provide strength for pull the cover.

***Allowable Subject Matter***

11. Claims 24, 28-30, 33, 35-36, 39 and 41-42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art uncovered so far fails to teach that the adhesive layer comprises acrylic foam and that the flexible layer comprises an elastomer.

***Specification***

12. The substitute specification submitted with the amendment of January 3, 2006 has not been entered as it contains new matter without support therefor.

***Conclusion***

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 571-272-1487. The examiner can normally be reached on 7:30 AM to 5:00 PM, and on alternate Friday.

Art Unit: 1772

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Nasser Ahmad 3/19/06  
Primary Examiner  
Art Unit 1772

N. Ahmad.  
March 18, 2006.